G. R. S. 58]

Previous references.

File No. 203-0

1905.06
(Courts)

Serial Nos.

Later references.

Reg 26-09
& 2009-15 (Courts)

GENERAL ND REVENUE SECRETARIAT.

Serial Nos. 1-15

Part B for Jan 10

SUBJECT.

Constitution of Village Panchayats Courts.

For final order please see Reg 26 of 1909

W D 1351—GPE—20,000—13-12-13

Reg Govt
19-2-16

G. R. S. 11] 1905-06

GENERAL AND REVENUE SECRETARIAT

(Courts .)

NOTES.

Later reference Legis 26-09

File No. 203

FILE HEADING.

Establishment of Village Munsiffs' Courts.

From

The Registrar of the Chief Ct. of Mysore

No. 5462/11 Dated 6/2/06. Received 8/2/06

Diary No. 1087	Enclos.	Spare Copies. —	Serial No.

BRIEF ABSTRACT OF LETTER.

Proposes, for consideration & orders of Government, that where at least 2/3rds of the persons in a village paying a Kandayam of Rs 10 & upwards apply for the appointment of a Village Munsiff & agree nominating one who is literate in Canarese for the appointment, such man may be appointed a Village Munsiff, with powers as under the Madras Act I of 1889.

NOTES AND ORDERS.

1) Submitted for orders (Receipt of copies of the letter noted in the Margin)

2) Write for 3 copies of the Madras Act for the Govt Press, for Mr George, & when received, put up with the file of the Mysore Act, containing the proceedings of the Legislative Council.

14-2-06

Notes—First sheet.

MGCPB—30,000—17 2-05.

G.R.S. 12]

General and Revenue Secretariat.

et File No. 203 of 1905-06

Serial No.	
	3 Draft submd 4 Dated 15.2.06
2	J.C.S. 15.2.06 To the Supdt Govt Press. Madras. No J 2245-8/162-2 Request to forward 3 copies of Madras Act I of 1889.-
	5 Two copies of the Act have been received and are filed up
H.Q.	6 The Madras Code shows that the proceedings of the Council on the Act have been published in the Supplemental issue of the F. St. Gazette of the 24th June 1888 page 1 and 13th Nov 1888, p 14.
H.Q.	The former alone is forthcoming in the Secret records.
H.V.	7 Subsequent orders. The representations on the 8/8/06 subject before the Legislative Council & the proceedings thereon are also separately filed up.

NOTE—Contn. sheet.

GPD—70,000—17-12-15

No.142.

Establishment of a Panchayat Court at Koppa.

Mr.Kigga Channakesava Rao of Koppa Taluk.

Summary of Representation.

The Taluk of Koppa being entirely Malnad, each village has but one or two houses and the people are necessarily ignorant. The sahukars whose chief object is to earn money, lend out small sums of money to the poor raiyats and thereafter involve them in endless litigation. In consequance of this, their lands will have to be sold away in satisfaction of Civil Court Decrees and themselves turned out homeless. The raiyats find it difficult to go to the Civil Court situated at a distance of forty or fifty miles from their village and even it they do so, they are unable through ignorance to represent their case properly. It is therefore requested that a Panchayat Court may be established at Koppa tentatively at least.

Existing order or practice relating to the subject.

Subject No.8 of 1895. Reply of Government "The subject was fully discussedin previous years and the decisio then arrived at was against the ~~the~~ expediency of establishing village Munsiff's Courts with the present staff of village officers. No grounds exist for now reconsidering that decision.

Remarks by the Deputy Commissioner.

The idea of Panchayat courts for disposal of petty cases is a good one, but it is doubtful if competent and willing men can be got to do the work.

Reply of Government.

By Ch. Court. Every village should have within 10 miles of it a court competent to try petty cases, if possible. The matter may be referred to us to make proposals after enquiry.

No.87

The Village Munsiff and Panchayet system.

Mr.M.Varahaswamiengar Sri Yadugiri Sadananda Vardhini Sabha, Melkote.

Summary of Representation

Throughout the State, District Boards, Taluks Boards and Unions already been established. According to this all the villages should be divided into groups, each containing 4 or 5 villages. The village Munsiff and Panchayet system ought to be brought into force by selecting the heads of those villages as Panchayets who ought to settle all the trifling cases of the villages and see that the villages under their jurisdiction are kept in healthly condition and to be held responsible for the moral and pious character of the people. Besides they should not allow the villagers to go to the Cutcherries and Courts which puts both parties to much loss in trifling cases.

Existing order or practice relating to the subject-

Vide Subject No.10 of the Dasara Representative Assembly Proceedings of 1904. Reply of Government:-"No action can be taken at present".

Remarks by the Deputy Commissioner.-

Reply of Government.

By Ch. Court. Government can best judge whether this proposal is practicable. We doubt at present trifling claims are foregone or only realized at a disproportionate cost.

R. S. 12]

General and Revenue Secretariat. | C5 File No. 203 of 1905-06.

Serial No.	

Serial No.

because, as shown by the replies to questions at the Representative Assembly, the Govt. considered the time not yet ripe for an experiment in the proposed direction, in view of the general level of illiteracy among village officers.

11 The Chief Court have now revived the question. Their proposal may be described as one of "local option" to villages, under certain conditions, to appoint their own "village Munsiffs". How far ~~the~~ will affect the position of the existing patels as hereditary village officers, is a serious matter for consideration. There are also other incidental questions involved, in connection with ~~the~~ jurisdiction, procedure, etc.

12 In view of the importance of the proposed scheme, may not the ~~letter~~ of the Chief Court, with the available papers relating to the ~~the~~ draft Regn. be printed, & circulated among DCs, Dt Judge, & selected Heads of Depts for opinion, before final action is taken.?

Note—Contn. sheet

13 Put up the Despatch rule. about giving some powers & duties

GPB—50,000—28-10-05

G.R.S. 12j
General and Revenue Secretariat.

File No. 93 of 190 06

4

Serial No.

14

What the "Mysore rule" referred to in Mr. Venkatavaradiengar's note 8/26.3.06 is, is not known. As far as I know, there are no rules in Mysore for governing the powers of civil tribunals & pleaders - The course suggested by the D.S. Secy in his note of 23.3.06 may I think be adopted

Secy) 1.10.06

Submission withheld as it was regarded in reference to one of the Subjects. Reference cancelled

~~I observe that the 1st Council~~

15 Bring up after the Proceedings of Rep. Assy of this year have been printed. The question was discussed at the Assembly & the Govt replied (I believe) to the effect that the village panchayat system would be introduced shortly.

Case worker for Case Note

SWS 15/11/06

15/11

Subd. 16.

D.R. Assembly Subjects Nos 12 to 46 (relating to the Village Panchayat & powers to members of Munc. & Dt. Boards & Village Unions to dispose of Civil Suits within Rs 50/-) put up. Draft to the Dy Commrs of Districts calling for their opinion submitted.

15/11/06 15/11/06 File resd with draft as Subject No 12

GPB—50,000—23-10-05

17 Issued 19/11

Pur-5

SUBJECT No. 12.

The Village Panchayat.

Messrs. B. Kesavaiengar, Kesavadasaiengar, Sondekoppada Dasappa and K. Subbanna.

Summary of discussion.—Formerly every village had its own *Yejamansetty* and *Panchayats*, who used to dispose of petty Civil and Criminal cases. There was not so much of false evidence as at present. There are conciliatory Courts in England, and the poor people are put to less cost, while justice is secured. The system formerly in vogue may be introduced.

Reply of Government.—The proposal is a good one. In this connection the Chief Court has suggested that if two-thirds of the inhabitants of a village paying an assessment of Rs. 10 and above apply for a Village Munsiff being appointed from among the inhabitants, such an appointment may be made. The opinions of Deputy Commissioners will be called for and the matter will receive consideration.

To the Dy Commissioner of District.

I have the honor to invite his attention to the marginally noted representation together with the reply of Govt thereto, and to request the favor of his submitting to Govt his views on the question of the introduction of the Village Panchayat in his District.

I have the honor to be
Sir
Your most obedient servant
Secretary

Sir,
I am directed to state that all heads of
papers have been furnished
in connection with the above proceedings

JV
17/11

Serial No.	
3	To the Dy Commissioners of Districts. No J 1373-80 dy 21.11—06.
	Invites attention to Subjects (DDRA) Nos 12 Page 46 re 'Village Panchayet' & 'Powers to members of Munsif & Bd Boards & Village Unions to dispose of Civil Suits within Rs 50" & the reply of Govt thereto & requests that Govt may be favored with the opinion of the Dy Comrs in the matter.
4	From the Dy Comr Bangalore Dt. No S.449 dy 30-11-06.
	Submits his opinion in the matter & states that it would be a great boon to the people if it is introduced at first within a radius of 5 miles from the Centre, that the yejamans be selected by the principal ryots within that radius, & that the Patels & Shanbhogs should not be appointed as yejamans - Submd. May the replies from the Dy Comrs of other districts be awaited
	P.N. 4.12-06. Yes Vide Secys remarks on the docket. S.W. 4/12/06
5	From the Deputy Comr of Shimoga No 710/459 dy 29/11/07
	States that the proposal of the Chief Co

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue
Secretariat.

cp File No. 203 of 1905/6

Serial No.	
	regarding the institution of Village Panchayets scheme to dispose of civil suits where 10 or 20 Rs would be attended with advantage and that a Village Munsiff may be appointed whenever 2/3 of inhabitants paying an assessment of Rs 10 and above apply for the same
6	From the Deputy Commissioner of Kanara No 700 of 13/2/07 States that the proposal of the Chief Court as to the appointment of Village Munsiffs on the application of the 2/3 of the inhabitants of a Village may be adopted but that he cannot support the proposal to empower Municipal and District Boards and unions to dispose of suits up to Rs 50.
7	From the Deputy Commissioner of Shimoga No 817/524 dated 12th March 07 In continuation of Sl 5 above forwards the opinion of the Assistant Commissioner Honnali Subdivision
8	From the same officer No 840/540 of 21.3.07. forwards the opinion of the Assistant Commissioner, Shimoga Sub-Division also
9	From the Deputy Commissioner, Hassan No 685/S of 27.3.07 States that the proposal of the

2573 from D.C. Hassan
2549 from D.C. Chitaldrug

D.C. Kolar No 3800 dt 25.6.07

NOTE—Contn. sheet

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G. I S. 12]
General and Revenue Secretariat.

File No. 203 of 1905-06

Serial No.	
	Chief Court as to the appointment of Village Munsiffs on the application of the $\frac{2}{3}$rds of the inhabitants of a village, may be adopted, but the ~~ass~~ minimum assessment payable, to entitle the Villager to a vote, should be raised to Rs 20; that Panchayets maybe empowered to dispose of suits within Rs 50. and that this scheme being introduced, there would be no necessity to empower Taluk & District Boards to try cases.
10	From the Deputy Commissioner of Chitaldrug No 491 of 4.4.1907. States that Village Panchayet Courts may be established in all the Municipalities and Unions, the courts having jurisdiction over Villages within a radius of 10 miles; that 3 out of the 5 members selected from the Board or Union should be literate and that they may also be invested with the power of Supervising the Cattle pounds
11	From the President District Board Kadur. No 695 of 16-5-07 States that the scheme may be tried tentatively in some Municipalities and Unions; That the members should be literate and of good character; that a number persons

NOTE- Contn sheet.

GPB-50,00017--3-07

Serial No.

from 3 to 5 should be selected by the Dy Commissioner subject to the approval of the Chief Court that the appointment should last for 2 years subject to renomination if expedient; that the pecuniary jurisdiction should be limited to Rs 20 and that it is inexpedient to invest individual members with the above powers.

12 From the Dy Commissioner, Kolar, No 168/12 dt 8.7.07.

States that it is inexpedient to grant any civil jurisdiction to the District and Municipal Boards who will have neither the local knowledge nor judicial experience but that the scheme may be gradually introduced in Unions where there are enough of intelligent and respectable people who have should first be trained to manage their own Communal affairs, such as the working of the pomal and kulbanni lands, the Amarai produce &c.

13 From the Deputy Commissioner of Bangalore No 385 dt 13-12-07.

States that the introduction of the Village Panchayet System in some select villages where competent men are available, would be attended with great advantage.

14 The Deputy Commissioners of

NOTE:- Contn sheet.

GPB - 50,00017 - 3-07

G. R 3. 12]
General and Revenue Secretariat.

Ch File No. 203 of 1905-06

Serial No.

almost all the Districts are in favour of the introduction of the Panchayet Scheme first in some selected Villages where competent and honest men are available; and if the System is found to work satisfactorily, they propose that it may be extended to other Villages also in course of time.

(1). Constitution of the Village Munsiffs' Courts.

20 The Dy Commissioners of Shimoga Tumkur and Hassan agree generally with the suggestion of the Chief Court as to the appointment of one Village Munsiff from among the inhabitants of a village on the application of $\frac{2}{3}$ of such inhabitants paying an assessment of Rs 10 and above (Or) the Dy Commr of Hassan fixes the minimum assessment so payable by a Villager, at Rs 20 in order thereby to secure the opinion of the more responsible of Villagers.) These along with the Deputy Commissioner of Kolar are against the proposal to empower the ~~Municipal~~ District Boards with the power to try petty Civil cases, for the following reasons

(1) that the members thereof will have

NOTE- Contn sheet.

GPB-50,00017--3-07

Serial No.

neither the local knowledge of the subject in dispute nor possess any judicial experience; (2) that they cannot meet more than once a month; (3) that it would be difficult to ensure the attendance of members regularly.

21 The Deputy Commissioner of Kolar however states that the Village unions would be Panchayets in a different form; that they may be invested with the power to take Cognizance of petty civil disputes, only when they are found fit to manage their own Communal affairs satisfactorily.

22 The Deputy Commissioner of Bangalore is of opinion that the Village Munsiffs Court should be presided over by the Yejaman selected by the principal raiyats of the groups of Villages within a radius of 5 miles; that each party should bring his own panchayetdars their number to be limited to two on each side; that no patel or Shanbhog should exercise civil powers. (This last proposal is opposed by the Assistant Commr Honnali Sub Division, who states that the appointment of a person other than the

Note:- Contn sheet.

GPB - 50,00017--3-07

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General and Revenue
Secretariat.

To File No. 203 of 1905-06

Serial No.

Patel as village munsiff would create a new centre of influence and (thus) foster factions spirit).

23 The only Deputy Commissioners that are in favour of empowering Municipalities and Unions to try and dispose of Civil suits, are those of Chitaldrug and Kadur. The former is of opinion that the Court should Consist of five members, three of whom at least ~~be~~ literate; and that they ~~may~~ exercise all the powers now exercised by the Village munsiffs in the Madras Presidency. In the opinion of the latter, three to five members of good character and eduction should form a bench for trying Cases; their selection being made by the Deputy Commissioner subject to the approval of the Chief Court, their appointment being tenable for two years, subject to renomination if necessary.

(2). Local jurisdiction

24 The local jurisdiction of these Courts, according to the (proposal of the) Dy Commrs. of Hassan Shimoga and Tumkur, would extend over the respective villages; according

NOTE.- Contn sheet.

GPB-50.00017—3-07

G. R. S. 12]
General and Revenue Secretariat:

Cs File No. 203 of 1905-06

Serial No.

views of the
the Dy Comrs of Bangalore over groups of villages within a radius of five miles as already stated; according to the D.C. Chitaldrug over municipalities and unions within a radius of 10 miles and according to the proposal of the Dy. Comnr. Kadur over the respective municipalities and Unions.

(3). Pecuniary Jurisdiction.

25 The Deputy Commissioners of Bangalore and Hassan fix the limit of the pecuniary jurisdiction of these Courts, at Rs 50/- while those of Shimoga, Chitaldrug and Kadur at Rs 20, and the rest are silent on this point.

(4) Pay of the Munsiff.

26 Only the Deputy Commissioner of Bangalore proposes that the Village munsiff should be paid by Govt.

27 (5) It is proposed by the Deputy Comnrs. of Shimoga and Chitaldrug that the Supervision of Cattle pounds may be entrusted to these Panchayets.

Her 23.12.07 Submitted for orders.

NOTE—Contn. sheet.

GPB—£5,000—2-11-14

SUBJECT No. 11.

Village Panchayets.

(*a*) Messrs. Suryanaranappa, Sonne Gowda and Byre Gowda, Kolar Taluk; Karigiriappa, Ramappa and Puttanna Chetty, Dodballapur Taluk; Venkatramana Chetty, Dodballapur Municipality; M. Venkatakrishnaiya, Mysore City Municipality; Subba Rao and Venkatachar, Hole-Narsipur Taluk; and Lakshminarasimhachar, Chamrajnagar Taluk.

(*b*) Mr. Amble Annaiya Pandit, Yedatore Taluk.

Summary of discussion.—(*a*) Village panchayets may be organised early as promised last year.

(*b*) It is prayed that in one taluk at least, a court of panchayets to try civil cases may be established as an experimental measure.

Mr. Veerabhadrappa Chetty of Bangalore states that there is no necessity for village panchayets and adds that the Civil Procedure Code contains ample provisions regarding the settlement of disputes by arbitration.

Reply of Government.—The question of organising village panchayets is under the consideration of Government.

The file relating to this subject has been submitted with a precis of the opinion of all the Deputy Commissioners.

May this be placed in the connected Submitted for orders

HCS
23-12-07

SUBJECT No. 16.

Appointing Government servants, Village Patels or Hobli Shekdars as Village Munsiffs.

Mr. T. S. Krishna Rao, Mysore District Board.

Summary of discussion.—The present jurisdiction of Munsiffs' Courts in the Province extends to many distant villages, and consequently, when suits for the recovery of small sums (say Rs. 10 or 20) have to be filed, an expenditure of an equal amount has to be incurred. It is therefore prayed that officers of sufficient status may be appointed as "Hobli Munsiffs" for each hobli with power to try such cases up to Rs. 20. If such public servants are not available, competent and literate patels may be appointed to try such cases, and in places where such patels cannot be had, Hobli Shekdars may be empowered to try such civil cases. This system does not involve any additional expenditure. The village chakras may be entrusted with the work of serving processes, half the process fees being paid to them as remuneration.

Reply of Government.—Will be considered.

The opinions of the Deputy Commissioners of Districts on the subject of the introduction of the Panchayet System have be received and a precis of the same has been submi for orders. May this be this kept in the Connected file? Submitted for orders.

27/12/07

This subject was also discussed in the sittings of the Representative Assembly this year (vide subjects Nos: 14 & 16). The Rev: Conrs opinion may perhaps be obtained unofficially

GW
28/12/09

NOTE– Conth sheet.

GPB – 50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

Ch File No. 203 of 1905-06

Serial No.

Recd 3rd Jul 06

29 Was this question considered in connection with the Panchayets Bill that has been already prepared in the Branch (re repairs to tanks etc? SM 9/7/06

Subd
30 No, ~~note~~ please see a copy of the Tank Panchayet Bill prepared to be introduced.

SM
10/7/06

31 The general question of reviving the old village institutions has been engaging attention of almost every Provl. government in India. These institutions had once struck their roots deep into the system of Indian polity. To attempt to bring them back to life would be not merely an interesting experiment but a measure that would be attended with the most beneficial results. All Competent observers are agreed in thinking that village Panchayets would work successfully in the South of India, if introduced with proper safeguards. Recently an attempt has been made, in the Village Tank Panchayet Bill, to create Village Panchayets for a specified purpose

NOTE- Contn sheet.

GPB-50,00017--3-07

(9, 15T 36)

G. R. S. 12]
eneral and Revenue Secretariat.

Ch File No. 203 of 1905-06.

Serial No.	
	It remains to be seen how far they fulfil the expectations formed of them. After gaining that experience, the question of enlarging the scope of the work of these Panchayets may be most profitably discussed. The present suggestion viz to create Village Courts & to invest them with Jud.l powers, may therefore wait till we get sufficient experience of the working of the Village Tank Panchayets proposed to be created. (Under Secy) AHL 15/7/08
	Secy 15/7/08
	32 Obtain the opinion of the Rev Comr also. (Write officially, inviting attention to the Rep. Asst subjects mentioned in the draft to Govt Comrs) AHL 4/8/08
	33 Rep. up draft accdg AHL 4/8/08
	34 Draft subs 35 Issue AHL 14/8/08
	Secy 14/8/08.
14	To the Revenue Commissioner, No J 5433 18/8/08 Requests him to favour Govt with his opinion

NOTE- Contn sheet.

GPB-50,00017--3-07

SUBJECT No. 8.

The Village Panchayat.

(*a*) Messrs. K. Shankaranarayan Rao, Nagar Sabha; C. Nagappa, Nagar Taluk; Chik Ramanna, Suryanarnappa, Sonne Gowda and Byre Gowda, Kolar Taluk; Rama Rao, Malur Taluk; Surappa, Tumkur Taluk; Ramachandraiah, Bangalore District Board; Veerappa Reddi and Chik Guruva Reddi, Bangalore Taluk; Adirajappa, Pavagada Taluk; Srinivas Sitaram Kulkarni, Harihar Sub-Taluk; Davood Sab, Thimma Setty, Mudgere Taluk; Siddagangappa, Chamrajnagar Taluk; Malali Venkatramiah, Manjarabad Taluk; Kesaviengar, Belur Taluk.

(*b*) Messrs. Guru Rao, Padmanna, Venkatasubbaiya, Nanjangud Taluk.

Summary of discussion.—(*a*) Village Courts may be constituted with power to try petty suits.

(*b*) The Village Munsiffs' Act may be introduced.

Reply of Government.—Will be considered early.

Subd for orders

The question of the establishment of the Village munsiffs' Court has been referred to the Revenue Commissioner for opinion. This will be placed in the accompanying file Reminders are being issued from time to time.

20.1.09

21.1.09.

Serial No. 15

From the Revenue Commissioner,
No 2499 & 20.8.1909.
Submits his opinion in the matter.

36 The Revenue Commissioner is for establishing the Village Panchayat Courts in selected areas where there are intelligent Patels and Ryots, and factions do not exist. In his opinion, it is unnecessary to give powers of a Civil Court to the members of the District and Municipal Boards or Village Unions. Submitted for orders.

Hos SN
25.8.09. 25/8/09

37. This is a subject upon which much has been said and written. A Draft Regulation was actually prepared and circulated (in 1892) for opinion among the high officers of the State. Their replies make interesting reading and are to be found in the printed Collection perhaps in the linked file.

38. We are just trying to bring into Existence Village Panchayats

H 4

GPB—50.000—13-5-08

Serial No.

through for a different purpose and it is worth considering whether they can not also be utilised with necessary modifications for the purpose under discussion.

3rd Other points; there is no doubt there is a vague desire on the part of the public for the institution of village Courts as may be seen from the numerous representations made in the Representative Assembly from time to time. But how far such institutions will be a success is a matter upon which opinion is divided.

4th Action is to be taken on the proposal which, so far as this file is concerned, originated from the Chief Court, a draft Rule will be prepared and submitted.

3/9/09 SH

Secy. I think the present rules of the Chief Court may be consulted, the papers being sent unofficially.

Dewan Bdr. 2/9

182/ 2453/11.9.09

43 The opinions so far recorded are not very favourable to the introduction of this measure.

SH 10/9/09.

42- I think this may be done. 9/9/09 Hrm

9/9/09 This may be done. SH 10/9/09

CK 10/9 Dewan Bdr 17 Sept 09 SH 20/9

Serial No.

U.O. 718

Forwarded unofficially to the Registrar of the Chief Court for favor of opinion of the Judges.

By order,

Sd/- Illegible
for Secretary

23rd September 1908.

45

I have never had any practical experience of Village Panchayat Courts, but I should heartily welcome any experiment in the direction of cheap and simple procedure for the trial of petty suits. I concur in the proposals contained in paras 19 & 21 of the Revenue Commrs. letter. If a Regulation is drafted I shall be glad to submit a more detailed opinion. So far as I am aware it is only in the Madras Presidency that the experiment has ever been tried. I have examined the provisions of Madras Act No I of 1889 and they appear to be generally suitable as a basis on which to draft a Bombay Regulation.

Acting Chief Jusp.

26/ix/08

46 I concur P. Chitnavis Rao

27.9.08 June.

47 This is a move in the right direction. As therefore, a full draft a Regulation

GPB—50.000—13-5-08

Serial No.	
1821	may be drafted. As to details, I have something to say which I reserve to be said when the Legislation is drafted. 27/9/09. S. D. Retlen
Ltr. 1366/71 28/9/09 1/10/09	48) The file is retransmitted with the Opinions of the Judges. (Regd attested) 27-9-09. Regr (Chief C. 49 – Submitted for orders. Further action may perhaps be taken in the Legislative Section. HCS 29-9-09 SN 29/9/09 29/9/09. SH. 50) Submitted for instructions as to the action to be taken. 29/9/09 SH 30/9/09.
	57) I have made notes in pencil on the Madras Act in the file. There is also a printed draft. 52) I think this measure deserves to be taken up and pushed through early. 28/9/09 5-10-09

The Fort St George Gazette Supplement of 1858 Containing Abstract proceedings of the Council in Madras when the Bill is debated & sent to the Library

NOTE—Contn. sheet.

GPB—50,000—13-5-08

4/10/09

4/10/09

G. R. S. 12]
General and Revenue Secretariat.

C5 File No. 203 of 1905 06 (19

Serial No.	
53	Please send up at a Council meeting after Circulation 31st Comdr Stte 5 Dec 08
54	Complete circulation by Wood 8th 7/1/09. (Cl Clerk)
55	Seen 1st 8 Jan 09 Index in Central Registry

NOTE—Contn. sheet.

GPB—50,000—18-5-08

3829
7-1-10

20

Extract from the Proceedings of the 243rd meeting of the Council of His Highness the Maharaja, held at Mysore on the 22nd & 23rd December 1909.

I. Subject.-(Clause 11 of Schedule).

Proposal of the Chief Court for the constitution of Village Munsiffs' Courts in Mysore.

OPINION.

57) A regulation on the lines of the Madras Act I of 1889 may be drafted and placed before the Legislative Council. Besides the necessary verbal alterations the proposed regulation may differ from the Madras Act in providing for the regulation being extended to local areas by special notification in the Gazette Section I (2) and in declaring the pay of public servants &c not liable to attachment by village Courts Section 52 (e).

Sd/- T. Ananda Row.
Dewan of Mysore.

"Extract"

C S Ballaseshadramiah
Offg. Secretary to Government

GPB—300—29-4-08

(21

Submitted to His Highness.

55) (1) I submit an extract from the Proceedings of the Council on the proposal of the Chief Court for the constitution of Village Munsiff's Courts in Mysore.

56) (2) The Deputy Commissioners of Districts, the Revenue Commissioner and the Judges of the Chief Court have been consulted, and they have generally agreed to the need for the introduction of such Courts.

57) (3) The drafting of a Regulation on the lines of Madras Act I of 1889 and its being placed before the Legislative Council may be approved.

Copy sent up

for

T. Ananda Rao
to Jan 20

22

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

10.1.10
752

Proposal of the Chief Court for the constitution of Village Munsiffs' Courts in Mysore.

465

Order.

732
14.1.10

58) Approved
KRW
13/1/10

Secy

Asst Secy

for a dispatch

Secy's Memo

Legislative Secy

Secy

Asst Secy

Secy

Asst Secy

17/1/10

17/1/10

Secy's Memo

Legislative Secy

notes & passed on to the Legislative Secretary

HCS
15.1.10

N 5462/211 Jn. 1

M 203-05, 81

2087

Bangalore 6. February 1906 23

From.

The Registrar of the
Chief Court of Mysore

To

The Secretary to the
Government of Mysore
General and Revenue Depts

Sir

I am directed to forward a statement shewing the number of suits for money or movable property not exceeding Rs 20 filed in all the Civil Courts in the Province during the three official years 1902-3, 1903-4 and 1904-5 and their aggregate value, and to state that it will be seen from that statement that the number of suits of the value of 20 Rupees and under average about 2500 a year and the net revenue to Government derivable therefrom is only about 1000 Rs. All these are of the nature that would come within the cognizance of the village

Munsiffs

Munsiffs Courts.

The expense in prosecuting such petty cases before the Regular Courts is probably more than twice the value of the suits and is a heavy burden on the people, and on the Government also inasmuch as they have to provide Regular Courts to hear such cases.

I am to suggest for consideration and orders of Government that where at least $\frac{2}{3}$rds of the persons in any village paying a Kandayam of Rupees 10 and upwards apply for the appointment of a village Munsiff and agree nominating one for the appointment who is literate in Kanarese, such man should be appointed a village Munsiff with powers as under the Madras Act I of 1889

I am to add that this proposal avoids all the difficulties referred to in the reply of the Dewan to a representation on the subject made in the Representative Assembly held in October 1893.

The

The Chief Court think that the (25) on petty claimants is so heavy at present as to amount to a refusal of proper justice and therefore they hope that the Government will again consider the expediency of announcing a measure for local trial of petty causes.

I have the honor &c.,

Sir,

Your most obedient servant,

Registrar

Registrar

Lag

Statement shewing the number of suits for money or moveable property of the value not exceeding Rupees 20/- (excluding suits for damages) filed during each of the three official years and their aggregate value in all the Civil Courts in the Province of Mysore.

Civil Cases 1903	1902-03		1903-04		1904-05.		Average for the last three years		Remarks
	No of suits filed	Aggregate value	No of suits filed	Aggregate value	No of suits filed	Aggregate value	No of suits filed	Aggregate value	
Bangalore Division	1256	1584 8 15 9	1376	1667 12 5	1680	1765 10 9	1371	1656 2 3	Approximate court fee stamps on 3136 would be about Rs 995/-
Mysore "	676	881 2 6 2	602	765 1 .	646	857 6 3 10	641	834 6 9 -	
Shimoga "	468	571 3 13 10	576	728 9 2 1	494	608 9 11 9	513	636 4 3 11	
Total	2400	3037 5 3 9	2554	3140 7 15 6	2620	3231 7 10 4	2525	3136 15 2	

(27)

G.R.S.]

File No. 103

Serial No. 2

Diary No. *of letter replied to*

No. J 22487

General and Revenue Secretariat

( )

the 190 .

Date of issue 16/2/06

Signed by The Dy. Secretary

To

The Superintendent,

Govt Press, Madras

Has the honor to refer the favor of his forwarding to the undersigned by V.P. Post 3 copies of ~~The~~ Madras Act I of 1885 (Village Munsiffs)

By

15/2/06

Dy Secretary

MS SP

15/2/06

over.

SUBJECT.

G.R.S. 267

ab

(28

File No. 203/05

Serial No 3.

Diary No. of letter replied to _____

No. 1373-80
Pub 203-05-3

General and Rev. Secretariat
( )
, *the* 190

To

The Deputy Comrs of ~~District~~ _____ District

Date of issue 21-11-1906

Signed by Mr. K. Mathan

Has the honour to invite his attention to the marginally noted subjects of the Representative Assembly Proceedings of 1906 & the reply of Govt thereto and to request that he will be so good as to favour Govt with his opinion in the matter

By order

for Secretary

over.

x

Subject No. 12,
"The Village Panchayat

Subject No. 46.
Powers & Duties of Revt & Dt. Boards & Village Panchayats in disposal of Civil Suits within Rs 30"

Copied & Mc 26/11/06
By order

SUBJECT

III Cons. 24.12.06

J 1317

1906-07.

From The Dy Commissioner Bangalore District

To The Secretary to the Govt of Mysore Genl & Rev Dept

Dated 30th November 1906.

Despatched 3.12.

Received

General No.

No. 449.

Enclosure No.

CS 203-1-5814

Secy's No 1373-80/CS 203-05-1 dated 21st November 1906.

Submits Opinion re introduction of Village Panchayets.

Met all points & submits

29

Cls 203-05-4

Bangalore District.

Deputy Commissioner's Office. J 1317

Bangalore 30th November 1906.

S.No. 449.

From,

H. H. Sparkes Esquire

Deputy Commissioner

Bangalore District.

To,

K.S. Chandrasekhara Aiyar Esquire

B.A.B.L.

Secretary to the Government of Mysore,

General & Revenue Departments.

Sir,

In reply to your letter No 1373-80 Cls 203-05-3 dated 21st November 1906, asking for my opinion as regards "village Panchayets," I beg to state that I think that it would be the greatest boon to the people and would suggest that it be introduced into groups of villages at first within a radius of 5 miles from the centre, that the Yejmans be selected by the principal ryots within that radius

Madras and that he be paid by
Government, that he should be
given powers to settle civil cases
only up to a limit of Rs 50/ that
each contending party should
bring his own Panchayetdars to be
limited to two each side, and that
no Patels or Shanbhogues should
be eligible for the appointment
of Sejman. I have frequently
spoken to Ryots on this subject
and they have invariably ex-
pressed their wish for such a
settlement of their grievances,
instead of dragging them up
to the Civil Courts which are by
no means popular.

I have the honor to be
Sir
Your most Obedient Servant

H H Spaight
Dy Commissioner
Bangalore District

5

Cts 203-05

Cts 31/1/07 J 1900

1906-07

From M. Narain Rao Esquire
Deputy Commissioner
Shimoga District.

To K. S. Chandrasekhara Ayyar B.A. B.L.
Secretary to Government
General & Revenue Depts

Dated 29th January 907.

Despatched

Received

General No. 710
No. 459

Enclosure No.

In reply to letters Nos
J 1373-80 and J 1601-8
Conts 203-05-3 Conts
dated the 21st November and
12th December 1906 respectively
forwards opinion regarding
the Supervision of cattle
pounds.

No. 210
3/459

Deputy Commissioner's Office
Shimoga District.
Dated 29th January 1907.

From

M. Narain Rao Esquire
Deputy Commissioner
Shimoga District.

To, K. S. Chandrasekhara Iyer Esquire
B. A. B. L.
Secretary to Government
General and Revenue Depts

Sir

In reply to your letters
Nos J 1373-80 / Courts 203-05-3 and J 1601-8 / Courts dated
the 21st November and 12th December 06
respectively, I have the honour to state
that in my opinion the institution
of the village Panchayati x Scheme to
dispose of Civil Suits within 10 or 20
Rupees will be attended with advantage
The scheme may be tried in selected
villages in each Taluk where a number of
educated men is available for the
purpose and where as suggested
by the Honourable the Chief Court,
two thirds of the inhabitants paying
an assessment of Rs 10 and above
apply for a village Munsiff being appointed
from among them. The x Supervision
of

x Subjects Nos 12 and 46 of 1906

x Subject No 227 of 1906

of cattle pounds in such villages 32
may safely be entrusted to the village
Panchayet

I have the honour to be
Sir,
Your most obedient Servant
A Dukumtaul
for Deputy Commissioner
Shimoga District

Encl

6

Ch 203-05

J 2040

1906

From The Deputy Commissioner of Tumkur.

To The Secretary to the Govt of Mysore, General and Revenue Depts.

Dated 13th February 1907.

Despatched

Received

General No. 700.

No.

Enclosure No.

Furnishing opinion in re Dasara Representative Assembly subjects nos 12 and 46, — "the village Panchayet" and "Empowering members of the Municipal and District Boards and village Munsiffs to dispose of Civil suits within Rs 50/- respectively."

33)

Deputy Commissioners Office,
Tumkur District,
Tumkur 13th February 1907

From

K. Parthasarathi Iyer Esq.,
Deputy Commissioner
Tumkur District.

To

K. S. Chandrashekhara Iyer Esq., B.A., B.L.,
Secretary to the Govt. of Mysore
General and Revenue Departments.

Sir,

Referring to your docket No. J 1373-80 / 203-05-3 dated 21st November 1906 calling for opinion in re Dasara Representative Assembly subjects No. 12 and 46 - The village Panchayet and Empowering members of Municipal and District Board and Village Unions to dispose of Civil suits within Rs 50/- respectively, I have the honor to state that the suggestion made by the Chief Court as regards "the village Panchayets" to appoint village

village Munsiff on the application of the 2/3
of the inhabitants of a village paying
an assessment of Rs 10/- and above may
be adopted. But as regards subject No. 66
(powers to Municipal and District
Boards and Unions to dispose of suits
up to Rs 50/-) I cannot support the
proposal. It will be time enough to
consider it when the various bodies
begin to appreciate more fully their
responsibilities to the public in the duties
at present expected of them.

I have the honor to be,
Sir
Your most obedient servant
M. Srinivasachariar
Dy Commissioner

J 2302

1907

From M. Narainda Rao Esq.
Deputy Commissioner
Shimoga District

To K. S. Chendrasekara Iyer Esq. B.A., B.L.
Secretary to the Govt of Mysore
Genl & Rev Depts.

Dated 12th March 1907

Despatched

Received

General No. 817

No. 524

Enclosure No. 1-

Re file No 203-05
& No 7

In continuation of No 710 dated 29th January last re institution of Village Panchayati scheme forwards copy of No 290 dated 28th ultimo from Asst Commr Hosmali Sub Dn

459

No. 817/524 Rul
35

Deputy Commissioner's Office
Shimoga District
12th March 1907.

From M. Narain Rao Esq.
Deputy Commissioner
Shimoga District

To K. S. Chandrasekharayer Esq. B.A.B.L.
Secretary to the Government of Mysore
General and Revenue Dept.

Sir,

In continuation of my letter No 710/459 dated the 29th January last furnishing my opinion re the institution of the Village Panchayati scheme, I have the honour to forward herewith a copy of letter No 290 dated the 20th Ultimo from the Assistant Commissioner Honnali Sub Division furnishing his opinion on the subject.

I have the honour to be,
Sir,
Your most obed't Servt

Authorised

for Deputy Commissioner
Shimoga District

1907.

(86

From

P. Iswara Rao Esq

Assistant Commissioner

Nowmali Sub Division

To

M. Narain Rao Esq.

Deputy Commissioner

Shimoga District

Dated 28th February 1907.

No 290

Sir,

With reference to your No 1616 dated 15th December 1906 calling for my opinion on the formation of the village Panchayet (Subjects' nos 12 and 46 of the Proceedings of the Representative Assembly for 1906) I have the honour to state that the village Munsiffs scheme, as in force in Madras may be introduced into Mysore so far as it is possible, a beginning being made by conferring the requisite powers on one or two literate and competent Patels in a Taluk. This is calculated to create a spirit of emulation among other Patels who in course of time may be expected to qualify themselves for a similar status by Education and Character.

3) The proposal of the Chief Court mentioned in Government reply in regard to Subject No 2 possibly contemplates the appointment of a person other than the Patel as village Munsiff. This is to be deprecated as it will create a new centre of influence in a village giving rise to friction between village Munsiff and the Patel. A combination of the two offices in one individual of local influence and prestige would work better.

I have &c.

Sd/ P. Srinivasa Rao

Assistant Commissioner

"Copy"

Assistant C

for Deputy Commissioner

Shimoga District

Ex

T 2413

1906-07

From M. Narain Rao Esquire
Deputy Commissioner
Shimoga District

To K. S. Chandrasekhara Iyer
Esqre B.A.B.L.
Secretary to Government
General and Revenue Depart

Dated

Despatched 21st March 1907.

Received

General No. 840

No. 540

Enclosure No. 1

In file No 20305
840 8

In continuation of letter No. 817/524 dated the 12th Instant I submits a copy of letter No-253 dated the 8th Instant from the Assistant Commissioner, Shimoga Sub-Division furnishing his opinion re the institution of the village Panchayatic Scheme.

38

No. 840/540 Ext

Deputy Commissioner's Office
Shimoga District
Dated 21st March 1907

From,

M. Narain Rao Esquire
Deputy Commissioner
Shimoga District

To,

H. S. Chandrasekhara Iyer Esquire
B.A.B.L
Secretary to Government.
General and Revenue Departments

Sir,

In continuation of my letter No. 817/524 dated the 12th Instant, I have the honor to submit herewith a copy of letter No. 255 dated the 8th Instant from the Assistant Commissioner, Shimoga Sub-Division, furnishing his opinion re the institution of the village Panchayati Scheme.

I have the honor to be,
Sir,
Your most obedient Servant

M. Narain Rao
Deputy Commissioner
Shimoga District

JFV

1906-07

39

From,

Mohomed Raza Esquire
Assistant Commissioner
Shimoga Sub-Division

To,

M. Narain Rao Esquire
Deputy Commissioner
Shimoga District

Dated 8th
Despatched March 1907
Received
General No. 255
No.

Sir,

With reference to your memo No. 1616 dated 15th December 1906 requesting my opinion in the matter of establishing village Panchayet system and of conferring powers on members of Municipal and District Boards and village unions to dispose of civil suits within Rs 50/-, I have the honor to state as follows: The Amildar of Tirthahalli is of opinion that the people of the malnad Taluks have not yet acquired sufficient educational attainments to befit them to hold the responsible position that the proposal contemplates to invest them with. The Amildar of Shimoga states that the

powers to dispose of petty civil and criminal cases may be conferred on a village Munsiff aided by a Panchayat, the Munsiff being appointed after election by the inhabitants of the village, or by $\frac{2}{3}$ of the number of the inhabitants of the village in case all of them are not present in the village, but that the parties should have the option to appeal to the Taluk authorities against the orders passed by the village Munsiff and the Panchayet.

The Deputy Amildar of Kumsi states that in small villages it is not always possible to find out men of sufficient qualification to discharge the functions that may be delegated to them and that therefore the experiment may be tried at first in villages containing a population of 1000 and more, and in villages where the inhabitants are sufficiently advanced in education and that it would be desirable always to include the shanbhag and the patel of the village in the panchayat Committee, as these officials generally possess intimate knowledge of the affairs of the village. As regards the disposal of civil suits by the members of the Municipal and District Fund Boards, the Amildar of Shimoga thinks that this measure is unworkable since the members

cannot meet more than once a month and in meeting once a month they can not dispose of all the cases that may arise and the Deputy Amildar of Kunnie remarks that it would be difficult to ensure the attendance of members regularly in the proposed meetings, since many members of the Taluk Board have not yet realized the importance of attending even the Taluk Board meetings punctually.

I am of opinion that this last objection of the Deputy Amildar has some force and that it would be difficult to bring home to the minds of the members the necessity of their combining to discharge civil functions, when they have not yet come to realize the duties and privileges that appertain to a citizen. At any rate it is premature to launch the scheme at once but an experiment may be made in some of the bigger villages and if the scheme is found to work well, there would be no objection to extend it.

As regards the establishment of the

village Panchayet, I am at one with the view expressed by the Chief Court.

I have etc.

(Signed) Mohomed Raza
Assistant Commissioner
Shimoga Sub-Division

Copy/

Muthanna Rao
Deputy Commissioner,
Shimoga District.

J 2503

1906-07

From P. R. W. Wetherall Esqr
Deputy Commissioner
Hassan District.

To K. S. Cheudrasekhara Iyer
Esqr B.A., B.L.
Secretary to the Government
of Mysore - General and Revenue
Departments
Bangalore

Dated 27th March 1907.

Despatched 28th March 1907.

Received

General No. 685

No. S

Enclosure No. nil

Ref File No 203-05
S.R. 9

Subject

Submitting a report on Dasara Representative Assembly Subject nos 1/2 & 4 of 1906 regarding the village Panchayat and the investment of powers to Municipal and District Board members to dispose of Civil Suits within Rs 50/-

43)

Deputy Commissioners office
Hassan District

Dated Hassan 27th March 1907.

From. P. R. W. Wetherall Esquire
Deputy Commissioner
Hassan District

To K. S. Chendrasekhara Iyer Esqr. B.A.B.L.
Secretary to the Government of
His Highness the Maharaja of Mysore
General and Revenue Department
Bangalore

Sir

Adverting to your docket no. J 1373-80
C to 203-05-3
dated 21st November 1906 calling for an
expression of opinion on Dasara Re.
presentative Subject nos 12 and 46
regarding the village panchayah and
the investment of powers to municipal
and District Board members to dis-
pose of Civil Suits within Rs 50/- I
have the honour to State that Govern
ment while replying on the Subject
Stated that the Chief Court had Suggested
that if 2/3 of the inhabitants of a village
having an assessment of Rs 10 and
above

above apply for a village munsiff being appointed from amongst them (44) Such an appointment may be made I would rather limit the minimum assessment at Rs 20 as such ryots would have at Stake & better concerns in the village and therefore would be more competent to decide as to the necessity of empowering one amongst them to dispose of their Cases. It would be better to try the experiment in certain selected villages before its general introduction into the State.

2 When it is resolved upon to introduce the Scheme, the Panchayats may be empowered to dispose of Small civil Suits within Rs 50 as has also been opined by the Assistant Commissioners who were consulted in the matter. If such Panchayat Schemes be introduced there would be no necessity to empower members of Taluk and District Boards to try such Cases.

I have the honour to be
Sir
Your most obedient Servant
M W Fetherall
Deputy Commissioner
Hassan District.

J 2549

1906-07

From
The Dy Commissioner
Chitaldrug Dt

To The Secretary to the Govt of Mysore
General & Revenue Depts
Bangalore

Dated 3
Despatched 4 } April 1907
Received

General No. 491
No.

Enclosure No.

Submits a report regarding
the formation of the Village
Panchayat referred to in
D R A Subject No 12 of 1906

Deputy Commissioner's Office,
Chitaldrug District
Dated Chitaldrug, 3rd April 1907

From

M. Cheruiah Chetty, Esquire, B.A.
Deputy Commissioner
Chitaldrug District

To

K. S. Chandrasekhara Iyer Esq/B.A.B.L
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

With reference to your docket No. J 1373-80/Cts 203-05-3 of 21st November 1906, and subsequent reminders thereon, calling for my opinion regarding the formation of Village Panchayets referred to in the Dasara Representative Assembly Subject No. 12 of 1906 and the question of empowering members of Municipal and District Boards and Village Unions to dispose of Civil suits within Rs 50/- (D. R. A. subject no. 46 of 1906), I have the honor to state that it will give general satisfaction if this beneficial measure is sanctioned.

2. I would suggest that to begin with, the Village Panchayet Courts may be established in all the Municipalities and the several

Unions of the District and villages situated within a radius of say 10 miles, may be clubbed together and added on to them for this purpose. Five of the Members of the Board or Union should Constitute the Court, three of whom should be literate. They may be entrusted with all the powers now exercised by the village Munsiffs in the Madras Presidency. If the scheme proves successful after a trial, it may be extended to other important villages. They may also be invested with the power of supervising the Cattle pounds situated in the village Unions in which they are established

I have the honor to be,
Sir
Your most obedient Servant,

H. Deputy Commissioner
Chingleput District

III 418 & 1905 J 2901

1907

From The President
District Board
Kadur District

To The Secretary to Government
General and Revenue Depts
Bangalore

Ct. File No 203-05
SC No 11

Dated 13th

Despatched 16 May 1907

Received

General No. 695

No.

Enclosure No. Nil

Submitting Opinion in the matter of investing members of Union Panchayets and Municipal Boards with powers to try Civil Suits

47)

Office of the President
Local Board
Kadur District
Chikmagalur 13th May 07

Wm. D. Devaraj Urs Esquire
President Local Board
Kadur District

Sir: K.P. Chenda Sekhara Iyer Esquire B.A. B.L.
Secretary to the Government of His Highness
The Maharaja of Mysore
General and Revenue Departments -

Sir, With reference to Government Order no. 1373-80 / 1203-05-3 dated 21st November 1906 inviting attention to Kadur Subjects nos 12 and 46 of 1906 regarding the "village panchayets" and powers to members of "Municipal and District Board" and village unions to dispose off civil suits within 50 Rs and calling for my opinion in the matter, I have the honor to state that the institution of village Panchayets is not a new one and that if properly worked would be a very useful one tending to afford material relief to the ryot population who have now to undergo a great deal of trouble and expense when seeking redress in a Civil Court however trifling the value of their cause may be.

2 It seems to me that the System may be tried tentatively in village Unions and Municipal Towns to start with. Not less than 3 or more than 5 members may be constituted into village Panchayets. They must be literate and otherwise capable men and above all of good character and possessed also of some property qualification. The selection may be made by the Deputy Commissioner subject to the approbation of the Chief Court. The appointment will last for 2 years subject to renomination after that period —

3. They may be empowered to try suits of small cause nature up to Rs 20/- in the beginning, the pecuniary jurisdiction being increased when the System is found to work satisfactorily -

4. The Panchayats nominated may compose of members of Municipal, Taluk or District Board but it is inexpedient in my opinion to invest individual members with the above powers. I am also of opinion that if the System is found to work well it may be extended to other villages or groups of villages as the case may be -

I have the honour to be
Sir
Your Most Obedient Servant

President
Local Boards
Wardha District

165 III 4 11 7 / 1907. J 110

From The Deputy Commissioner
Kolar District

To C. S. Balasundaram Iyer Esqre
B. A
Offg Secretary to the
Govt of Mysore
Genl and Rev: Depart:

Cf File No 203-05
& No. 12.

Dated
Despatched 6.7.07.
Received
General No. 1680
No. 12

Enclosure No. —

Furnishes his opinion on Dasara Subjects Nos 12 & 46 of 1906 re the constitution of the "Village Panchayets" and the grant of Civil Jurisdiction to the members of Dh and municipal Boards and Village unions.

Office of the Deputy Commissioner
Kolar District

49.

dated Kolar the 6th July 1907.

From C. Srikanteswara Iyer Esquire B.A.B.L
Deputy Commissioner
Kolar District

To C. S. Balasundaram Iyer Esquire B.A.
Offg. Secretary to the Govt
of Mysore
Genl & Revenue Departments.

Sir,

With reference to your docket No. J. 1373-80/cts 203-05-3 dated the 21st november 1906, requesting my opinion on subjects Nos. 12 & 46 of the D.R.A. Proceedings of 1906, re the Constitution of the "Village Panchayet" and the grant of civil jurisdiction to the members of District and Municipal Boards and Village Unions, I have the honor to state that the Panchayet system may first be tried in select places, where there are enough of intelligent and respectable villagers who could be regarded as the leaders

of

of the more ignorant classes. These Panchayets may begin with powers to manage their own communal affairs — such as the working of the gomal & kulbanni lands, the amarai produce, fisheries and charitable institutions, sanitation, distribution and regulation of water-supply from the village tanks etc.

2. When by their conduct and attention to duty they have satisfied the villagers on the one hand and the local officers on the other, enhanced powers to decide civil suits of small value, may gradually be extended to them.

3. It does not seem expedient to grant any civil jurisdiction to the District and Municipal Boards, as by their Constitution, they are not likely to have any local knowledge of the subject in dispute nor possess any judicial experience of the Law Courts.

4. The village Unions stand on a different footing, as where they exist, they will only be village Panchayets in another form. These Panchayets would be exceedingly useful, but to make them really successful they have to be helped to mature gradually without powers and responsibilities being thrust upon them to any extent more than what they could be expected to discharge satisfactorily, with their limited knowledge and experience.

I have the honor to be
Sir
Your most obedient Servant

B Venkoba Rao
Deputy Commissioner
Kolar District

J/560

1907-08

From

M. Kanakaraj Urs Esq., BA

By. Commissioner,
Mysore District.

To

S. Balasundaram Iyer Esq., BA

Secy. to the Govt. of H. H. the Maharaja of Mysore, Gen. & Rev. Depts.

File No 203-05
& No. 13.

Dated 13th
Despatched 14th } December 1907
Received

General No. 383
No.

Enclosure No.

Subject

Submitting opinion in re the Village Panchayat Scheme.

57

No. _____
Enc. No.

OFFICE OF THE Deputy Commr

MYSORE DISTRICT,

Dated Mysore Camp 13th December 1907.

To

C. S. Balasundaram Iyer Esq., B.A.,

Offg: SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

With reference to Government Proceedings No. J 1373-80 dt 203-05-3 dated 21-11-1906 calling for my opinion on Mysore Representative Assembly subject No. 46 and 12 of 1906 re the Village Panchayet scheme, I have the honour to state that the question of establishing Village Panchayets is one that is deserving of favorable consideration at the hands of Government. Want of cooperation among villagers and the absence of mutual trust and confidence are the crying evils of the day and are responsible for the low material and moral condition of the people.

In

In most of the villages factious spirit is manifesting itself and the people are divided in interest, one party trying to ruin the other in all manner of ways. The main reason is that there is not sufficient employment for some of the well-to-do and intelligent men in the village. They spend all their intelligence, energy and influence; which might have been well directed in channels calculated to enhance the comfort and happiness of the people in fostering party factions with a view to their own gain and self aggrandizement. This state of things in villages has now reached its culminating point. The sooner this unwholesome spirit is rooted out and healthy system introduced the better it will be both for the Government and the people.

As a first step in this direction the Government have already under consideration a scheme for the establishment of a Panchayet for the maintenance of village

village lands and the distribution of water supply. There are also a great many other matters intimately connected with the well being of the people, which must be left to the village Community itself for settlement but which are now taken up before civil, criminal and Revenue Courts for adjudication to the great inconvenience and pecuniary loss to the parties concerned.

It may be doubted whether a sufficient number of intelligent and educated men will be available to serve in the Panchayet in every village. Though such qualified men may not be forthcoming in plenty just now in every village, yet there may certainly be found in each village a few persons, who, by their wealth, shrewdness and good and sound Common sense command

command great influence and who may consequently be expected to bring the disputes arising in the village to an amicable settlement. For this purpose some select villages where competent men are available, may be chosen and the Panchayets introduced in them to make a beginning. If the scheme should work well and the people begin to appreciate and enjoy the benefits, the other villagers will follow suit of their own accord. The indirect advantages resulting from the introduction of this scheme are also many. At present the ignorant villager does not look beyond the interest of his own family. The village Panchayet will certainly induce him to extend the range of his vision beyond his own surroundings and perhaps will make him aspire to become one of the Panchayets himself. His attention will thus be aroused to things going

going on around him and this will in course of time bring about a general awakening, which will go a long way to destroy the factious spirit that is now rampant in most of the villages and to teach the people that united and multiplied action will eventually lead to their mat-
-rial prosperity. In addition to the maintenance of roads and distribution of water supply I would recommend that they may be given powers to dispose of petty civil and criminal cases, to manage their own schools and to attend to the sanitation and petty public works of their villages.

I have the honor to be,

Sir,

Your most obedient servant

Deputy Commissioner
of Myaungdaik

56

G.R.S. 26]

C.S. File No. 203/05

Serial No. 4

Diary No. of letter replied to

No. J 543

General and Revenue Secretariat

( )

, *the* 190 .

To

The Revenue Commissioner
in Mysore.

Date of issue 18.8.08

Signed by

Sir,

I am directed to invite your attention to the marginally noted subjects of the Proceedings of the Representative Assembly of 1906 and the reply of Govt thereto and to request that you will be so good as to favour Govt with your own opinion in the matter as early as practicable.

Please turn over.

I have &c

for Secretary.

(1) Subject No 12.
The Village Panchayet

(2) Subject No 46
"Powers to members of Municipal and District Boards and Village Unions to dispose of Civil suits within Rs 50"

SUBJECT.

Exd: CRW
17-8-08

Dft SN
14/8/08.

Cls 203 05 Rev. Comr. Form 12. 190

From

Rajakarya Pravina,

A. RANGASWAMI IYENGAR Esq., B.A., B.L.,

Revenue Commissioner

in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 20th

Despatched 23rd August 1909.

Received

No. 2499-

Enclosure No.—

Submits Opinion on D.R.

Subjects Nos. 1/2 and 4 & 6 of

1906 in re Constitution of

Village Panchayat Courts

investing members of the

Municipal and District

Boards and Village Union

with powers to dispose of

Small Civil Suits

Caxton Press, Bangalore,—2000-2-09

No. 2499 OFFICE OF THE REV. COMR. IN MYSORE.

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Bangalore, 20th August 1909 *190*

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FROM

Rajakarya Pravina,
A. RANGASWAMI IYENGAR, ESQ., B. A., B. L.,
Revenue Commissioner in Mysore.

TO.

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General & Revenue Departments.

SIR,

I have the honour to acknowledge your letter No.J.543/ Cts.203 -05-14 dated the 18th August 1908 calling for my opinion on Dasara Representative Assembly subjects Nos. 12 and 46 of 1906 for the constitution of Village Panchayat Courts investing members of the Municipal and District Boards and Village Unions with powers to dispose of small civil suits. It would have been of some advantage if I had access to the opinions of the Deputy Commissioners which I believe have been obtained directly from them. The remarks of the Representatives as contained in the summary of discussion of the Representative Assembly Proceedings of 1906 are brief and convey no idea as to the powers to be exercised by the proposed Village Panchayat and how it should be controlled. The questions involved are very important and likely to have far-reaching consequences in the training of our people in self-government lightening the petty work of courts and cheapening the cost of litigation, and I considered it desirable to ascertain the practice obtaining in the neighbouring British Provinces in these matters before proceeding to offer my opinion and this has caused some delay.

2. I was not able to find any reference to any acts or rules of the Bombay Legislature in regard to the Village Panchayat Courts in that Presidency though a practical attempt was known to have been made to establish an Arbitration Court which worked for

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for a time with some success at Poona. But in the Madras Presidency two enactments are in force viz., -

(1) The Village Munsiff's Court Act I of 1889 as amended by Act XI of 1901,

(2) The Village Panchayat Court Regulation V of 1816 as amended by Acts XXVIII of 1855, VII of 1870 and XII of 1876 and Madras Regulation IX of 1828.

Both of these relate to adjudication of civil suits of a petty nature only.

3. CONSTITUTION OF THE VILLAGE COURT.

Under the Village Munsiff's Court Act of 1889 which is based on Regulation No.IV of 1816, suits are tried and decided by the Village Munsiff or a Bench consisting of three judges including the Village Munsiff as President of the Bench and two persons nominated one by the plaintiff and the other by the defendant or by the Village Munsiff in case of default by the defendant, from among the list of residents of the village prepared by the Collector. The Village Munsiff regulates the procedure and issues all summonses, notices and the like in his own name, but the decree is in the names of all the three members of the Bench. If the members of the Bench do not agree, the opinion of the majority prevails. A penal clause is also provided for punishing persons summoned to serve on a Bench when they decline to do so without reasonable excuse.

4. ITS JURISDICTION.

The suits cognizable by this court are claims for money due on contract or for personal property when the debt or demand does not exceed the sum of Rs20/-. Suits based on the following are not cognizable by this court:

(1) On balance of partnership account unless the balance shall have been struck by the parties or their agents,

(2) For a share or part of a share under an intestacy or for a legacy under a will,

(3) For rent for land unless such rent be due upon a written contract signed by the defendant

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(4) By or against Government or Public Officers in their official capacity, and

(5) By and against minors or persons of unsound mind.

But, with the written consent of both parties executed before the court, the pecuniary limit of the suits may go up to Rs200/-.

5 POWERS OF DISTRICT MUNSIFF TO WITHDRAW SUITS FROM VILLAGE COURTS.

The act further provides that the District Munsiff within the local limits of whose jurisdiction the village court is situate may, on the application of any of the parties, withdraw any suit from a Village Court and try the suit himself or transfer it for trial to any other Village Court but the party applying for transfer should pay the amount of fees payable under the Court Fees Act when the suit is tried by the District Munsiff.

6. EXECUTION OF THE DECREE OF THE VILLAGE COURT.

The decree of a Village Court may be executed against movable property only by the same or other Village Court or sent up for execution to the District Munsiff where the person of the judgment debtor or his immovable property may also be proceeded against.

7. REVISION POWERS OF DISTRICT MUNSIFF.

The District Munsiff has also power to revise any decree or order of a Village Court and set aside such decree or order on the ground of corruption, gross partiality or misconduct of the Village Court, or of illegality or material irregularity. Otherwise, every decree or order of a Village Court is final.

8. This Act contains also detailed provisions for the institution and frame of suits, the issue and service of summons, the hearing of parties &c.

9. The Village Panchayat Regulation does not appear to have been amended in recent years. It authorizes Village Munsiffs to assemble village Panchayats for the adjudication of civil suits for sums of money or other personal property without any limit as to amount or value when the plaintiff and the defendant agree in writing to abide by the decision of such Panchayat without

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appeal provided that the cause of action had arisen within 12 years.

10. The village Panchayat should consist always of an odd number, never less than five nor more than eleven persons selected from among the most respectable inhabitants of the village or if necessary of the neighbouring village and the decision of the suit follows the opinion of the majority. If necessary, parties may be allowed to nominate 2 members each, the other remaining member being nominated by the Village Munsiff. A relative, servant or dependant of the party may be permitted to conduct the suit for him. The Village Munsiff arranges for the attendance of witnesses before the Panchayat who have to take the depositions of witnesses in writing only in suits exceeding Rs20/- in value. After reading the evidence and hearing the argument of parties, the Village Panchayat write their decree according to justice and right. Two copies of the decree are prepared and delivered in a sealed cover to the Village Munsiff who assembles the parties not later than 3 days from the receipt of decree and delivers a copy to each party in the presence of the Panchayat after noting thereon the date of such delivery. These decrees are executed by the Village Munsiff if the amount or value of the decree does not exceed Rs100/-, by the District Munsiff when the amount or value exceeds Rs100 but not Rs200 and by the District Judge in all other cases.

11. Suits tried by Village Panchayats are exempt from all fees and stamps except the cost of paper which is to be paid by the losing party.

12. No appeal is permitted from decisions of Village Panchayats except on the ground of gross partiality to the District Judge who is required, if the charge be proved, to submit his proceedings to the Provincial Court of Appeal for cancellation of the decree. The members of the Village Panchayat are liable to prosecution in a District Court for corruption in the discharge of their trust.

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13. Owing probably to the provisions of Chapter XXXVII of the Civil Procedure Code superseding those of the Panchayat Court's Regulation, there is no record of cases having been disposed of under the latter. From a notice of the review of the Madras Government of the working of the Village Munsiff and Bench Courts for 1907 it would appear that the total number of suits which came up for disposal by these two classes of courts amounted to 100,661 as against 96,622 in 1906 and that the number of suits before the Bench Courts showed a remarkable rise. It is also stated that the Collectors took great interest in making these institutions very popular.

14. From this brief description of the Village Munsiff, Bench and the Village Panchayat Courts, it will be seen that they provide an easy and inexpensive tribunal for disposal of petty litigation and enable the principal and more intelligent inhabitants to make themselves useful to the community and earn increased responsibility and importance in the eyes of the people.

15. It may however be noted that many of the Collectors appear to have held that the Village Munsiff's Court would have been more popular if the Village Munsiffs were more competent and enjoyed the respect and confidence of the villagers. Mr.S.P.Rice, Collector of North Arcot, referred in graphic terms to the "gradual decay of the prestige attaching to the village headman who is now-a-days subject to many petty annoyances from subordinates of all departments, constables, forest guards, Public Works lascars and so on" and pointed out that "it is no exaggeration to say that personal influence of the village headman on which the administration has to rely is absent in a large number of villages". There is much truth in these remarks which apply with special force to the conditions prevailing in this State.

16. The late Dewan Bahadur Mr.Srinivasaraghaviengar recommended (vide his 'Fifty Years' Progress', pages 310 and 311) that "the law should be so amended as to make it compulsory on suitors "to institute their suits in the Village Courts in all villages or

"groups of villages where a village court has been established "when the value of the claim does not exceed Rs20. It ought not "to be in the power of a plaintiff who wishes to annoy a defend- "ant to compel him to appear before a District Munsiff to answer " a claim and subject him to all the vexation and expense inci- "dental to being called away from his village and his work, when "there is a Village Court at a convenient distance. The consti- "tution of a Bench of which one of the judges is chosen by the "plaintiff and another by the defendant is a reasonable guarantee "for securing the impartiality of the tribunal and in special cases "the District Munsiff has the power of withdrawing, for reasons shown, a suit from a Village Court for trial before himself. As "regards suits involving claims exceeding Rs20 and not exceeding "Rs50 the plaintiff may be given the option of instituting them "either in the Village or District Munsiff's Court, but in such "cases if a suit is instituted unnecessarily in the Munsiff's "Court, the Munsiff should have the power of refusing the costs "to the plaintiff, or only allowing such costs as he would have "incurred if he had instituted the suit in the Village Court".

17. Dewan Bahadur Mr.Raghoonatha Rao suggested some time ago (vide Madras Mail of the 9th September 1908) that to make the courts popular, Village Munsiffs should be selected from among the most respectable men of the village or adjoining villages and made to do the civil work alone i.e. they should be different persons from the Village Patamanegars or the Village Magistrates and in that case competent men with material and moral worth would be glad to come forward to take up such places and people would more freely resort to such courts.

18. I need not say anything more to prove the advantages and importance of providing a similar agency for dealing with civil suits of small value. We cannot, however, overlook the fact that in our State most of the village Patels (who correspond to the village Munsiffs in the Madras Presidency) are not only illiterate but also poor and do not enjoy the confidence and respect of the

the villagers, that they are scarcely competent to undertake the decision of suits and that many of our villages are torn by factions and cannot put forth ryots of sufficient intelligence and character to serve as members of a Bench Court.

19. It will not on the other hand be difficult to select particular villages or Circles of villages where qualified Patels or headmen and capable villagers would be available to undertake the responsible work of trying and disposing of petty suits. Anyhow it is highly important that we should make an endeavour to bring such tribunals into existence by passing a suitable Regulation and reserving the powers to establish such courts in selected areas where there are intelligent Patels and ryots and factions do not exist.

20. Powers may also be reserved to nominate respectable persons as Village Munsiffs for disposal of civil suits when the Patels are not sufficiently qualified. In course of time these courts will serve as object lessons to less favoured localities and induce their inhabitants to qualify themselves for such duties and apply for introduction of similar institutions.

21. For the present, I would not recommend investing any village officer or village court with criminal powers the exercise of which requires great tact and forbearance and any abuse of which is likely to create bitterness and division of the village into factions; nor is it necessary to give powers of a Civil Court to the members of the District and Municipal Boards or Village Unions as such because as residents of the village or circle of villages into which this Regulation may be introduced they can be selected to sit as members.

I have the honour to be,

Sir,

Your most obedient servant

For Revenue Commissioner.